

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of:)
)
Application of)
ALEE CELLULAR COMMUNICATIONS) **WT Docket No. 02-28**
)

**WRITTEN DIRECT TESTIMONY
OF
GEORGE G. MALANGA**

1 **Q. Please state your name and current address.**

2 A. My name is George G. Malanga. I reside at 5 Pickerel Point Road, Hopatcong,
3 New Jersey 07843.

4 **Q. Give us a brief description of your educational and professional background.**

5 A. I was born April 12, 1948 in New Jersey. I received a BA degree in 1970 and a
6 MA in 1972 from Montclair State University, Montclair, New Jersey.

7 I have been a high school teacher in New Jersey for the last 25 years.

8 I own with my wife the Kiddie Academy Child Learning Center in Sparta, New
9 Jersey.

10 I have been a member of the Hopatcong Rotary Club since 1975.

11 **Q. When and under what circumstances did you become a partner in Alee**
12 **Cellular Communications?**

Federal Circuit Court of Appeals

Docket No. 10-3-28 Entered on 11/11/11

Presented by 4/11/11

Identified ✓
Received ✓

Reporter W. J. Howard

Date 11/29/11

1 A. I became a partner in Alce Cellular Communications in 1988. My sister, Renee
2 Malanga, was my financial planner at the time. She informed me of the
3 opportunity of cellular investment.
4 I had subsequently attended several business meetings at the Coachman Hotel in
5 Edison, New Jersey. At those meetings, The Cellular Corporation had explained
6 to the investors the opportunity of cellular investment. There were many
7 professional and educated people at these meetings. There was tremendous
8 dialogue between the investors and the cellular people. As a result, I felt that the
9 concept of cellular investment was an opportunity of a life time.
10 I followed up by contacting my sister and told her that I would be willing to go
11 ahead with the investment. She in turn told me that she would proceed and
12 contact the proper people and inform them that I would be part of her partnership.
13 Soon after that, I received a phone call from my sister that everything was set,
14 with the exception of the fact that I would not be able to be in her partnership. To
15 the best of my knowledge, I was not able to be in her partnership because it was
16 full or someone forgot to put my name on the application. However, whatever
17 the case might have been, she had arranged for me to be put into another newly
18 formed partnership and that I would have the same possibilities as anyone else.
19 With that, I had no problem being a part of another cellular partnership. The end
20 result was that I became a partner in Alce with an 8% interest. My current
21 interest is 7.8690%.

22 **Q. What role have you played in the partnership?**

1 A. My role has been simply one as partner/investor. I have, however, kept informed
2 of partnership activities by attending meetings in person and by telephone when I
3 could not be there in person. I have listened to our management committee, our
4 advisors, and asked questions.

5 **Q. What procedures or policies, if any, has Alee adopted to ensure compliance**
6 **with FCC rules?**

7 A. In early 1990, we ended our relationship with Allan Kane and The Cellular
8 Corporation. We hired our own attorneys and consultants. The partners are
9 managing our partnership. As a partner, I receive memos and information
10 regarding our cellular matters. There have always been very frank discussions,
11 business meetings and other information passed on to the partners. Compliance
12 with FCC rules and regulations has always been a focal point of our partnership.
13 There was never even the slightest hint of proceeding in some way unless it was
14 in compliance with the FCC rules.

15 **Q. In the Algreg proceeding, Alee was found to have misrepresented and/or**
16 **lacked candor in its dealings with the Commission. What has changed to**
17 **ensure truth and candor in its dealings with the FCC should the Texas 21**
18 **application be granted?**

19 A. The New Mexico revocation was a shock and a major disappointment to all of us.
20 Everyone has to realize that many people, including myself, entered into this
21 investment having no knowledge of the cellular industry. Therefore, we had to
22 rely totally on the expertise of attorneys and cellular experts. In our case, we
23 relied on The Cellular Corporation, the company that organized our partnership

1 and prepared the cellular applications for filing with the FCC. When we
2 discovered in 1989-1990 that we were being misled, we took over the reins.
3 Fortunately, we had three very capable and honest people in our group that were
4 willing to take on the task, Becky Jo Clark, Bob Bernstein and Terry Jones. Their
5 backgrounds were a strong part of our ability to take care of our own partnership.
6 As a partner, I know there was never any intention to misrepresent or hold back
7 any information from the FCC. Nonetheless, we as a partnership must accept
8 responsibility for the conduct that was the basis for the revocation of our New
9 Mexico license. Alce may make mistakes in the future, but Alce, because of the
10 high price it has already paid with the loss of the New Mexico license, is sensitive
11 to the need for the utmost candor and truthfulness in all of its dealings with the
12 FCC. In all of our past decisions, the partners always wanted assurances of FCC
13 compliance before proceeding with various actions. I and, based upon my
14 dealings with them over the past fourteen years, my partners are committed to
15 ensuring candid and truthful dealings with the FCC should the Texas 21
16 application be granted.